

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
January 8, 2008

The City Council convened in Regular Session on Tuesday, January 8, 2008, at 7:00 P.M. in the Council Chambers on the fourth floor of City Hall, 200 North Second Street, with President of the Council Bob Kneemiller, presiding, and Members of the Council present as follows: Dave Beckering, Erv Ermeling, Laurie Feldman, Michael Klinghammer, Jerry Reese, Ron Stivison, Richard Veit, and Michael Weller. Absent: Larry Muench. The Honorable Mayor Patricia M. York was absent. The City Clerk, Marilyn K. McCoy, was present and performed the duties of that office.

File #46707

A motion was made by JERRY REESE to excuse the absence of Councilmember Larry Muench. MICHAEL KLINGHAMMER seconded the motion. All voted in favor, motion passed.

President of the Council Bob Kneemiller announced that John Dengler, Gil Brown, and Bill Baggerman recently passed away; and requested that their family and friends be kept in everyone's thoughts and prayers during the silent prayer.

The meeting was opened with the Invocation, those present standing in a moment of silence, followed by the Pledge of Allegiance to the Flag.

PUBLIC HEARINGS

The President of the Council Bob Kneemiller announced that the following Public Hearings and Administrative Hearing would now be held. At the conclusion of the hearings, the Regular Session continued with the order of business:

A. Public Hearings

1. Case No. Z-31-07. An application to rezone a parcel of land in the process of annexing into the City. The property is located at 31 Ayrshire Drive. The applicant is requesting to rezone the property from the County R-1E Single-Family Residential to the City R-1E Single Family Residential District. The property, located west of Muegge Road, contains approximately 0.38 acres. The subject property is located in Ward 5.
(Council Bill 9554)
2. Case No. Z-32-07. An application to rezone a parcel of land in the process of annexing into the City at 1460 South Drive from County I-1 Light Industrial District to City PD-C Planned Development-Commercial District and an application to rezone two (2) other tracts of land located at 1560 and 1600 Veterans Memorial Parkway from City C-3 Highway Business District to City PD-C Planned Development Commercial District. The properties are a part of Lots 33 and 38 of Block 9 of Steen and Cunningham's Subdivision and include approximately 6.027 acres. In conjunction with the rezoning, the Commission will consider a preliminary development plan for the properties. The preliminary development plan proposes the construction of a four-story hotel building, including 140 rooms, a new 5,000 sq. ft. restaurant and the existing Hertz

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- Rental Car building located along Veterans Memorial Parkway and South Drive. (Ward 3) *(Council Bill 9564)*
3. Case No. DR-06-07. An application to amend Chapter 156: Zoning Code of the Code of Ordinances of the City of St. Charles, Missouri, specifically the Sign Regulations Sections 156.610 through 156.999 by adding a new Section 156.705 defining and establishing regulations for the placement and maintenance of street banner signs. *(Public Hearing was tabled at Planning & Zoning; therefore, the Public Hearing should be tabled until February 5, 2008)*
- B. Administrative Hearing
1. Administrative Hearing to Consider an Appeal of a Decision of the Landmarks Board to Approve a Certificate of Appropriateness for a Restaurant Remodel at 132 North Main Street. *(RCA Attached)*

RESOLUTIONS/AWARDS/PROCLAMATIONS

A Resolution Amending Resolution No. 85-31 Regarding the ICMA Deferred Compensation Plan by Deleting the Finance Director and Inserting the Human Resources Director as the Program Administrator *(Sponsor: Bob Kneemiller)*

Passed "Aye": Kneemiller, Reese, Stivison, Veit, Weller, Beckering, Ermeling, Feldman, and Klinghammer
"Nay": None
Absent: Muench

Approved by the Honorable Mayor on January 14, 2008, and is known as **Resolution R08-01**

A Resolution Declaring Eight (8) City Police Vehicles to be Surplus Property, and Authorizing the Sale of the Vehicles *(Sponsor: Bob Kneemiller)*

Passed "Aye": Kneemiller, Reese, Stivison, Veit, Weller, Beckering, Ermeling, Feldman, and Klinghammer
"Nay": None
Absent: Muench

Approved by the Honorable Mayor on January 14, 2008, and is known as **Resolution R08-02**

INTRODUCTION OF DIRECTOR OF ADMINISTRATION MICHAEL SPURGEON

President of the Council Bob Kneemiller introduced recently hired Director of Administration Michael Spurgeon. Mr. Spurgeon thanked the Mayor and Council for the opportunity to serve as Director of Administration; and stated that he looked forward to working with the Mayor, Council, Staff, and Residents.

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PUBLIC COMMENT RELATIVE TO AGENDA ITEMS

Council 9539 Authorizing a Cooperation Agreement Between the City of St. Charles and Lindenwood University for the Acquisition of Right of Way Related to the West Clay Realignment with First Capitol Drive Project

Tom Besselman, 550 Jackson, spoke in opposition to Council Bill 9539.

BILLS FOR FINAL PASSAGE

Bill 9527 (Amended)

An Ordinance Amending Chapter 115 of the Code of Ordinances Pertaining to Alcoholic Beverages (*Sponsors: Richard Veit, Bob Kneemiller, and Larry Muench*)

A motion was made by RICHARD VEIT to amend Council Bill 9527, as follows: 1) correcting the numbering in *Section 115.32(g)*; 2) correcting the penalty amounts in *Section 115.99*; 3) delete the language "nor shall any licensee or his/her employees allow any indecent, profane or obscene language, song, entertainment, literature or advertising materials upon the premises" from *Section 115.12(G)*; and 4) adding reference to "state regulations" in *Section 115.32(A)(2)(g)*. MICHAEL WELLER seconded the motion. All voted in favor, motion passed. Councilmember Richard Veit announced that a meeting to obtain input from the public on Council Bill 9527 will be held on Monday, January 14, 2008, from 4:00 p.m. – 5:30 p.m. in the Council Chambers.

Bill 9534 (Amended)

An Ordinance Authorizing a Right of Way Encroachment License Agreement with Aero Group LLC for 142 North Main Street (*Sponsor: Richard Veit*)

A motion was made by RICHARD VEIT to amend Council Bill 9534 with Proposed Substitute Bill No. 1. BOB KNEEMILLER seconded the motion. All voted in favor, motion passed.

Bill 9535

An Ordinance Authorizing Amendment No. 5 to the Contract with Environmental Management Corporation (EMC) for the Operation and Maintenance of the City's Wastewater Treatment Facilities (*Sponsor: Michael Klinghammer*)

Passed "Aye": Reese, Stivison, Veit, Weller, Beckering, Ermeling, Feldman, Klinghammer, and Kneemiller

"Nay": None

Absent: Muench

Approved by the Honorable Mayor on January 14, 2008, and is known as **Ordinance 08-01**

Bill 9536

An Ordinance Authorizing an Intergovernmental Cooperation Agreement Between the City of St. Charles and the City of St. Peters for the Installation of a Traffic Signal at the Intersection of Shady Springs Lane and Highway 70 North Outer Road (*Sponsor: Jerry Reese*)

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Passed "Aye": Reese, Stivison, Veit, Weller, Beckering, Ermeling, Feldman,
Klinghammer, and Kneemiller
"Nay": None
Absent: Muench

Approved by the Honorable Mayor on January 14, 2008, and is known as **Ordinance 08-02**

Bill 9537

An Ordinance Authorizing an Agreement with the Missouri Highways and Transportation Commission to Provide Funding for the Installation of a Traffic Signal for the North Outer Road and Shady Springs Drive Traffic Signal Project (*Sponsor: Jerry Reese*)

Passed "Aye": Reese, Stivison, Veit, Weller, Beckering, Ermeling, Feldman,
Klinghammer, and Kneemiller
"Nay": None
Absent: Muench

Approved by the Honorable Mayor on January 14, 2008, and is known as **Ordinance 08-03**

Bill 9538

An Ordinance Authorizing an Intergovernmental Cooperation Agreement Between the City of St. Charles and St. Charles County for the Installation of a Traffic Signal at the Intersection of Shady Springs Lane and Highway 70 North Outer Road (*Sponsor: Jerry Reese*)

Passed "Aye": Reese, Stivison, Veit, Weller, Beckering, Ermeling, Feldman,
Klinghammer, and Kneemiller
"Nay": None
Absent: Muench

Approved by the Honorable Mayor on January 14, 2008, and is known as **Ordinance 08-04**

Bill 9539 (Referred to the Special Council Meeting Scheduled for January 15, 2008)

An Ordinance Authorizing a Cooperation Agreement Between the City of St. Charles and Lindenwood University for the Acquisition of Right of Way Related to the West Clay Realignment with First Capitol Drive Project for the Purchase of the Right of Way and Permanent Slope Easement for the Property Located at 2310 West Clay (*Sponsor: Ron Stivison*)

A motion was made by MICHAEL KLINGHAMMER to refer Council Bill 9539 to the Special Council Meeting scheduled for January 15, 2008. RON STIVISON seconded the motion. All voted in favor, motion passed. A request was made that paper copies of the maps provided by the Public Works Department be provided to the Council.

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Bill 9540 (Referred to Council Work Session Scheduled for January 15, 2008)

An Ordinance Amending Chapter 33 of the Code of Ordinances of the City of St. Charles, Missouri Pertaining to Boards, Commissions and Committees (*Sponsors: Ron Stivison and Erv Ermeling*)

Council Bill 9540 was referred to the Council Work Session scheduled for January 15, 2008, by Sponsor Ron Stivison.

Bill 9541

An Ordinance Authorizing Acceptance of Replacement Escrows from Bower & Bailey, Inc., McBride and Sons Homes, Inc., Vantage Homes, Inc., and Fischer & Frichtel, Inc. for Improvements Constructed within the Talbridge Subdivision (*Sponsor: Laurie Feldman*)

Passed “Aye”: Reese, Stivison, Veit, Weller, Beckering, Ermeling, Feldman, Klinghammer, and Kneemiller
 “Nay”: None
 Absent: Muench

Approved by the Honorable Mayor on January 14, 2008, and is known as **Ordinance 08-06**

Bill 9542

An Ordinance Approving a Certificate of Completion; and Authorizing Payment of \$1,257,671.00 from the Project Fund in Connection with Phase One, Phase Two and Phase Three of the New Town at St. Charles Neighborhood Improvement District (*Sponsor: Michael Klinghammer*)

Passed “Aye”: Reese, Stivison, Veit, Weller, Beckering, Ermeling, Feldman, Klinghammer, and Kneemiller
 “Nay”: None
 Absent: Muench

Approved by the Honorable Mayor on January 14, 2008, and is known as **Ordinance 08-05**

Bill 9543

An Ordinance Accepting a Permanent Roadway Improvement, Maintenance and Retaining Wall Easement from St. Charles Quarry, LLC to Allow for the Construction of the Main Entryway into Webster Park (*Sponsor: Laurie Feldman*)

Passed “Aye”: Reese, Stivison, Veit, Weller, Beckering, Ermeling, Feldman, Klinghammer, and Kneemiller
 “Nay”: None
 Absent: Muench

Approved by the Honorable Mayor on January 14, 2008, and is known as **Ordinance 08-07**

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Bill 9544

An Ordinance Authorizing a Public Works Mutual Aid Agreement By and Between the City of St. Charles and Other Municipalities and Political Subdivisions to Provide Mutual Aid Relating to Emergency Preparedness, Response and Recovery in the Event of a Natural Disaster or Emergency Condition (*Sponsor: Bob Kneemiller*)

Passed “Aye”: Reese, Stivison, Veit, Weller, Beckering, Ermeling, Feldman,
 Klinghammer, and Kneemiller
 “Nay”: None
 Absent: Muench

Approved by the Honorable Mayor on January 14, 2008, and is known as **Ordinance 08-08**

Bill 9545

An Ordinance Amending Section 40.42 of the Code of Ordinances Pertaining to Procedure for Procurement of Professional Services by Adding a Third Division to be known as 40.42(A)(2)(f) Pertaining to Factors of the Initial Selection Process (*Sponsors: Bob Kneemiller and Jerry Reese*)

Passed “Aye”: Reese, Stivison, Veit, Weller, Beckering, Ermeling, Feldman,
 Klinghammer, and Kneemiller
 “Nay”: None
 Absent: Muench

Approved by the Honorable Mayor on January 14, 2008, and is known as **Ordinance 08-09**

Bill 9546

An Ordinance Amending Chapter 113 of the Code of Ordinances of the City of St. Charles, Missouri by Amending Sections 113.03, 113.19, 113.35 and Deleting Section 113.47 Pertaining to Refund of License Fees to Elderly and Totally Disabled Residents (*Sponsors: Ron Stivison and Erv Ermeling*)

Passed “Aye”: Reese, Stivison, Veit, Weller, Beckering, Ermeling, Feldman,
 Klinghammer, and Kneemiller
 “Nay”: None
 Absent: Muench

Approved by the Honorable Mayor on January 14, 2008, and is known as **Ordinance 08-10**

Bill 9547 (Amended)

An Ordinance Amending Section 112.04 of the Code of Ordinances of the City of St. Charles, Missouri Pertaining to the Appointment of Members to the Special Business District Advisory Board (*Sponsors: Ron Stivison and Erv Ermeling*)

A motion was made by RON STIVISON amend Council Bill 9547 with Proposed Substitute Bill No. 1. ERV ERMELING seconded the motion. All voted in favor, motion passed.

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Bill 9548

An Ordinance Amending Section 96.40 of the Code of Ordinances of the City of St. Charles, Missouri Pertaining to the Appointment and Qualifications of the City's Ex Officio Health Officer (*Sponsors: Ron Stivison and Erv Ermeling*)

Passed "Aye": Reese, Stivison, Veit, Weller, Beckering, Ermeling, Feldman, Klinghammer, and Kneemiller

"Nay": None

Absent: Muench

Approved by the Honorable Mayor on January 14, 2008, and is known as **Ordinance 08-11**

BILLS FOR INTRODUCTION

The following Council Bills were introduced:

Bill 9549

An Ordinance Authorizing an Engineering Services Contract with HDR Engineering, Inc. for the Design of the Second Street Water Main Project in an Amount Not to Exceed \$134,815.00 (*Sponsors: Richard Veit and Michael Klinghammer*)

Bill 9550

An Ordinance Vacating a Ten-Foot Wide Utility Easement in Brighton Park Plat 1 Subdivision (*Sponsor: Jerry Reese*)

Bill 9551

An Ordinance Vacating a 15-Foot Wide Sanitary Sewer and Water Easement on Lots 12 and 13 of Block 4 of Evans Survey of St. Charles Commons Subdivision (*Sponsor: Richard Veit*)

Bill 9552

An Ordinance Annexing Certain Adjacent Contiguous Territories into the City of Saint Charles, Missouri, and Assigning the Properties to a Designated Ward of the City Being Lands Petitioned for Annexation by South Drive, LLC (1460 South Drive) (*Sponsor: Laurie Feldman*)

Bill 9553

An Ordinance Annexing Certain Adjacent Contiguous Territories into the City of Saint Charles, Missouri, and Assigning the Properties to a Designated Ward of the City Being Lands Petitioned for Annexation by Catherine Stockglausner (31 Ayrshire Road) (*Sponsor: Michael Weller*)

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Bill 9554

An Ordinance Rezoning to City Zoning District R-1E (Single-Family Residential District) from County Zoning District R-1E (Single-Family Residential District), a Parcel of Land Located at 31 Ayrshire Road (*Sponsor: Michael Weller*)

Bill 9555

An Ordinance Repealing Ordinance No. 07-150 and Enacting a New Ordinance Authorizing the Establishment of Checking Accounts with Commerce Bank, N.A., and Designating Persons Authorized to Sign Checks (*Sponsor: Bob Kneemiller*)

Bill 9556

An Ordinance Authorizing the Filing of an Application with the Missouri Division of Tourism, Cooperative Marketing Program, for the FY 2009 Convention Marketing Grant (July 1, 2008 thru June 30, 2009) for the Visitor/Meeting/Convention/Sporting Event Campaign and to Sign All Necessary Documents to Accept and Receive Said Grant (*Sponsor: Ron Stivison*)

Bill 9557

An Ordinance Authorizing the Filing of an Application with the Missouri Division of Tourism, Cooperative Marketing Program, for the FY 2009 Amateur Sports Marketing Grant (July 1, 2008 thru June 30, 2009) and to Sign All Necessary Documents to Accept and Receive Said Grant (*Sponsor: Ron Stivison*)

Bill 9558

An Ordinance Repealing Ordinance No. 07-290 and Enacting a New Ordinance Authorizing an Agreement with Commerce Bank for the Establishment of a Bank Card Account, Designating Persons Authorized for Use of this Account, and Designating the Line of Credit Amount (*Sponsors: Bob Kneemiller and Jerry Reese*)

President of the Council Bob Kneemiller inquired as to the time frame for issuance of the Credit Card for Michael Spurgeon and other department directors. Vice President of the Council Jerry Reese inquired whether the tax exempt ID number could be included on the credits cards.

Bill 9559

An Ordinance Approving a Settlement Agreement with Sprint Nextel (*Sponsor: Bob Kneemiller*)

Bill 9560

An Ordinance Approving a Settlement Agreement with AT&T Mobility (*Sponsor: Bob Kneemiller*)

Bill 9561

An Ordinance Approving the Record Plat for The New Town at St. Charles Plat Six-D, a Subdivision of the City of Saint Charles, Missouri (*Sponsor: Michael Klinghammer*)

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Bill 9562

An Ordinance Repealing Ordinance 07-45 and Enacting a New Ordinance Annexing Certain Adjacent Contiguous Territories into the City of Saint Charles, Missouri, and Assigning the Properties to a Designated Ward of the City Being Lands Petitioned for Annexation by Springwell Village Development, LLC, Two (2) Contiguous Parcels Located on the East Side of Spring Drive (*Sponsor: Jerry E. Reese*)

Bill 9563

An Ordinance Approving the Record Plat for The New Town at St. Charles Plat Nine, a Subdivision of the City of Saint Charles, Missouri (*Sponsor: Michael Klinghammer*)

Bill 9564

An Ordinance Rezoning to City Zoning District PD-C (Planned Development-Commercial District) From County Zoning District I-1 (Light Industrial District) and City Zoning District (C-3 Highway Business District) Property Located at 1460 South Drive and 1560 and 1600 Veterans Memorial Parkway; Approving the Preliminary Development Plan of St. Charles Hospitality in Connection Therewith; and Authorizing a Planned Development Agreement (*Sponsor: Laurie Feldman*)

CONSENT AGENDA

A motion was made by MICHAEL KLINGHAMMER to receive and approve the consent agenda. LAURIE FELDMAN seconded the motion. A roll call vote was taken, with the following results: "Aye": Stivison, Veit, Weller, Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, and Reese. "Nay": None. Absent: Muench. Motion passed.

- A. Approval of Council Minutes
 - 1. Regular Council Meeting of December 18, 2007
 - 2. Administrative Hearing of December 18, 2007

File #46708

- B. Receipt and/or Approval of Council Committee Reports
 - 1. Council Work Session of December 11, 2007

File #46514

- C. Receipt of Reports from Boards, Commissions or Committees
 - 1. Landmarks Board Meeting of October 15, 2007

File #46544

- 2. Special Landmarks Board Meeting of October 30, 2007

File #46544

- 3. Wellness Commission Meeting of November 8, 2007
 - a. Motion to Support the St. Charles Community Fitness Center
 - b. Motion to Support the Application for the Community Action for a Renewed Environment Program Grant

File #46530

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- File #46474 4. Planning and Zoning Commission Meeting of November 19, 2007
5. Traffic Commission Meeting of December 18, 2007
- a. Motion to Endorse the Proposed Traffic Calming Policy and Forward it to the City Council for Action
- b. Motion to Table the City-Wide Residential Area Speed Reduction Program Item and to Place it on the January 2008 Traffic Commission Agenda
- c. Motion to Install No Parking Signs on the South Side of Olive Street from Second Street East to the Katy Trail
- File #46464 6. Board of Public Works Meeting of November 8, 2007
- a. Motion to Recommend Approval of Change Order #1 to the Contract with Vertex Chemical for the Purchase of Sodium Hypochlorite in an Amount not to Exceed \$9,600
- b. Motion to Recommend Approval to Record on File with Missouri DNR Water Main Specifications and Details
- File #46617
- D. Receipt of Reports of the Director of Administration
1. Liquor License Application for James J. Benz, d/b/a: St. Cletus Catholic Church, located at 2705 Zumbahl Road
- File #46710 2. Authorization for the City to Negotiate an Engineering Services Contract with Kuhlman Design Group, Inc. for the Design for the Maintenance Building at the St. Charles Mississippi Wastewater Treatment Plant
- File #46709 3. Notice of Emergency Purchases
- File #46711 4. Liquor License Application for Mark T. Baker dba Fastlane #46 Located at 3601 Harry S Truman Blvd.
- File #46710
- E. Approval of Contracts and Easements from \$30,000 - \$99,999
 None
- F. Preliminary Plats
 None
- G. Miscellaneous
1. Report of the City Clerk relative to Disposal of Various Records Pursuant to the Missouri Records Manual and State Records Retention Law
- File #46712

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2. Amendment to Council Rule 17 Relative to Council Bills Requested by Councilmembers
File #46713
3. Approval of an Extension of the Deadline for Compliance with the Conditions Placed on the Liquor License for Undertow at 142 North Main Street
File #46714
4. Certification of City Clerk Relative to Receipt of the Petition for Establishment of the Veterans Memorial Parkway Community Improvement District in Accordance with Section 67.1401, et seq. RSMo.
File #46715

ANNOUNCEMENTS FROM COUNCILMEMBERS/MISCELLANEOUS

Update on Elm Street Reconstruction Project
Councilmember Ron Stivison gave an update on the Elm Street Reconstruction Project.

APPROVAL OF CLOSED MINUTES

A motion was made by LAURIE FELDMAN to approve the following Closed Minutes:

- A. Regular Council Meeting of December 4, 2007, relative to legal actions, causes of action, or litigation (RSMo 610.021.1); leasing, purchase or sale of real estate where public knowledge of the transaction might adversely affect the legal consideration therefor (RSMo 610.021.2); and sealed proposals and related documents or any documents related to a negotiated contract (RSMo 610.021.12)

MICHAEL KLINGHAMMER seconded the motion. A roll call vote was taken, with the following results: "Aye": Veit, Weller, Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, Reese, and Stivison. "Nay": None. Absent: Muench. Motion passed.

The Regular Council Meeting was adjourned at 8:05 p.m.

January 22, 2008
Date Approved
Mair K M Con
City Clerk

Bob Kneemiller
Bob Kneemiller, Presiding Officer